

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

CAROLYN ROLLINS and LESTER)	
ROLLINS,)	
)	
Plaintiffs,)	
)	CIVIL ACTION NUMBER:
v.)	2:05-cv-00452-MHT-SRW
)	
BAYER CORPORATION,)	
)	
Defendant.)	

**MOTION TO SUSPEND DUTIES UNDER
FEDERAL RULE OF CIVIL PROCEDURE 26(f)**

Comes now Bayer Corporation (“Bayer”), defendant in the above-styled cause, and moves the Court to suspend the parties’ duties under Federal Rule of Civil Procedure 26 and this Court’s Order of June 16, 2005. As grounds for this motion, Bayer shows unto the Court as follows:

1. This is a phenylpropanolamine (“PPA”) products liability case similar to others that are being transferred to the Judicial Panel on Multidistrict Litigation (“JPML”) to The Honorable Barbara Jacobs Rothstein for discovery and consolidated pretrial proceedings in the Western District of Washington. This case has been reported to the JPML as a tag-a-long action and a conditional transfer order should be entered shortly (Tag Along Notice attached as Exhibit “A”).

2. Bayer asks the Court to suspend the parties' duties under Federal Rules of Civil Procedure 26 because a meeting of the parties, a report, and proposed discovery plan, at this point, prior to transfer of the case to Judge Rothstein, would not be productive.

DATED this 21st day of June, 2005.

s/Brian A. Wahl

Brian A. Wahl (WAH003)

One of the Attorneys for Bayer Corporation

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CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

COUNSEL FOR PLAINTIFFS

Leila H. Watson, Esquire
Cory Watson Crowder & DeGaris, P.C.
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and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

None.

Respectfully submitted,

s/ Brian A. Wahl

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